

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

KEVIN LYN BEVERLY,

Petitioner,

v.

FREDEANE ARTIS,

Respondent.

Case No. 21-cv-12772

Honorable Robert J. White

**ORDER DENYING PETITIONER'S MOTION TO EXCUSE THE
EXHAUSTION OF STATE COURT REMEDIES**

Kevin Lyn Beverly is presently incarcerated at the Parnall Correctional Facility in Jackson, Michigan. He filed a petition for a writ of habeas corpus challenging his conviction for interfering with the reporting of a crime. Mich. Comp. Laws § 750.483a(1)(c). The district judge previously assigned to this case held the petition in abeyance so that Beverly could return to state court to exhaust additional claims. The Clerk of the Court administratively closed the case. (ECF No. 17, PageID.1700).

After reassignment of the case to the undersigned, Beverly moved to, among other things, lift the imposed stay. (ECF No. 25). The Court denied the motion because he failed to show that the delay in adjudicating his state post-conviction motion presents exceptional circumstances that would justify excusing the

exhaustion of state court remedies. (ECF No. 28, PageID.1909). Beverly had also not asked the Michigan appellate courts to compel the state circuit court to entertain his pending post-conviction motion. (*Id.*, PageID.1910). And there is no indication from his current motion that he requested this relief in the Michigan Court of Appeals.

Beverly now moves this Court to excuse the exhaustion of his state court remedies. (ECF No. 29). For the reasons stated in the Court's previous order denying Beverly's motion to the lift the stay (ECF No. 28, PageID.1907-10), it is hereby,

ORDERED that Beverly's motion to excuse the exhaustion of his state court remedies (ECF No. 29) is denied.

Dated: March 11, 2025

s/ Robert J. White

Robert J. White

United States District Judge